



United States
Department of
Agriculture

Forest
Service

Southwestern Region
Regional Office

333 Broadway SE
Albuquerque, NM 87102
FAX (505) 842-3800
V/TTY (505) 842-3292

File Code: 1570

Date: May 30, 2013

Mr. Jay Lininger
Center for Biological Diversity
PO Box 25686
Albuquerque, NM 87125

**CERTIFIED MAIL – RETURN
RECEIPT REQUESTED
NUMBER: 70002870000011356961**

Dear Mr. Lininger:

This is my decision on the appeal (#13-03-00-0012-A215) you filed on behalf of the Center for Biological Diversity, regarding the Environmental Assessment (EA), Decision Notice (DN), and Finding of No Significant Impact (FONSI) signed by Forest Supervisor, Earl Stewart, for the Glen Canyon-Pinnacle Peak 345-kV Transmission Lines Vegetation Management Project on the Coconino National Forest.

My review of your appeal was conducted pursuant to, and in accordance with, 36 CFR 215.18. My review focused on the project documentation and the issues raised in your appeal. I specifically incorporate in this decision the project record, the references and citations in the project record transmittal documentation, as well as the Appeal Reviewing Officer (ARO) analysis and documentation.

After considering your issues and the project documentation, the ARO recommends the Forest Supervisor's decision be reversed. The ARO found that the decision is not consistent with policy, direction, and supporting evidence for the following reasons:

- The EA and project record failed to demonstrate compliance with the Coconino Forest Plan standard to survey all potential Mexican spotted owl (MSO) habitat within ½ mile of the perimeter of the proposed treatment area.
- The EA and project record failed to demonstrate compliance with the Coconino Forest Plan restrictions on removal of conifer trees and treatment within core areas of MSO Protected Activity Centers (PACs) by allowing harvest of trees nine inches in diameter or larger within PACs, and by allowing treatment within 100-acre core areas.
- The EA and project record failed to demonstrate compliance with the Coconino Forest Plan requirements to save all trees larger than 24 inches in diameter in MSO restricted habitat.

A copy of the recommendation is enclosed.



After a detailed review of the record and ARO recommendation, I reverse the Forest Supervisor's decision. I agree with the ARO that the decision is not fully consistent with the Coconino Forest Plan.

A new decision is needed on the Glen Canyon-Pinnacle Peak 345-kV Transmission Lines Vegetation Management Project that addresses the Forest Plan inconsistencies described above. The new decision must fully comply with public comment and pre-decisional administrative review provisions of 36 CFR 218.

This decision constitutes the final administrative determination of the Department of Agriculture [36 CFR 215.18(c)]. A copy of this letter will be posted on the national appeals web page at <http://www.fs.fed.us/appeals>.

Sincerely,

/s/ Don DeLorenzo

DON DELORENZO

Acting Deputy Regional Forester Appeal Deciding Officer

Enclosures

cc: Earl Stewart
Scott A Russell